

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 31

Introduced by Senator Correa

December 6, 2010

~~An act relating to local government.~~ *An act to add Title 9.5 (commencing with Section 91100) to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Correa. Local government: lobbyist registration.

The Political Reform Act of 1974 provides for the comprehensive regulation of lobbyists, as defined.

This bill would enact a comprehensive scheme to regulate lobbying entities, as defined, that lobby local government agencies, including requirements to register and make periodic reports regarding certain lobbying activities. The bill would require each local government agency to create a commission to implement and enforce the provisions of the bill. By requiring local government agencies to implement a new program, the bill would impose a state-mandated local program.

The bill would provide that any person who knowingly or willingly violates a provision of the bill, knowingly or willfully causes any other person to violate any provision of the bill, or knowingly or willfully aides and abets any other person in violation of any provision of the bill is guilty of a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~This bill would state the intent of the Legislature to enact legislation that will require each local government to create a lobbyist registration program as a condition of the local government being eligible to apply for any discretionary grant from any state agency or department.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Title 9.5 (commencing with Section 91100) is*
2 *added to the Government Code, to read:*

3
4 *TITLE 9.5. CALIFORNIA LOCAL GOVERNMENT LOBBYING*
5 *ACT*

6
7 *DIVISION 1. GENERAL*

8
9 91100. *This title shall be known and may be cited as the*
10 *California Local Government Lobbying Act.*

11 91101. *The Legislature finds and declares all of the following:*

12 (a) *Local government functions to serve the needs of all citizens.*

13 (b) *The citizens of the State of California have a right to know*
14 *the identity of interests that attempt to influence decisions of local*
15 *government, as well as the means employed by those interests.*

16 (c) *All persons engaged in compensated lobbying activities*
17 *aimed at influencing decisions by local government must, while*
18 *engaged in those activities, be subject to the same regulations,*
19 *restrictions and requirements, regardless of their background,*
20 *training, or other professional qualifications or license.*

21 (d) *Complete public disclosure of the full range of activities by,*
22 *and financing of, lobbyists and those who employ their services is*
23 *essential to the maintenance of citizen confidence in the integrity*
24 *of local government.*

(e) It is in the public interest to ensure that lobbyists do not misrepresent facts, misrepresent their positions, attempt to deceive officials through false communications, place local government officials under personal obligation to themselves or their clients, or represent that they can control the actions of officials.

(f) It is in the public interest to enact this measure to ensure adequate and effective disclosure of information about efforts to lobby local government.

91102. The provisions of this title are severable. If any provision of this title or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

DIVISION 2. DEFINITIONS

91110. The definitions set forth in this division shall govern the interpretation of this title. If a term used in this title is not defined in this division, it shall have the same meaning as used in Title 9 and in regulations adopted by the Fair Political Practices Commission to implement Title 9.

91111. “Activity expense” means any payment, including any gift, made to or directly benefitting an agency official or a member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

91112. “Agency” means any local government agency.

91113. “Agency legislation” means any legislative or administrative matter proposed or pending before any agency, including those matters involving the granting, denial, revocation, restriction, or modification of a license, permit, or entitlement for use, including all land use permits, if an agency board, commission, committee, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law to make a final decision on the matter. “Agency legislation” does not include any of the following:

(1) A request for advice or for an interpretation of laws, regulations, agency approvals, or policies, or a direct response to an enforcement proceeding with the commission.

(2) Any ministerial action. An action is ministerial if it does not require the agency official or employee involved to exercise discretion concerning any outcome or course of action.

1 (3) (A) Any action relating to the establishment, amendment,
2 administration, implementation, or interpretation of a collective
3 bargaining agreement or memorandum of understanding between
4 an agency and a recognized employee organization, or a
5 proceeding before a civil service commission or employee relations
6 board.

7 (B) Management decisions as to the working conditions of
8 represented employees that clearly relate to the terms of a
9 collective bargaining agreement or memorandum of understanding
10 described in subparagraph (A).

11 (C) Any action relating to collective bargaining taken by any
12 agency board, commission, committee, or officer.

13 (4) Preparation or compilation of any radius map, vicinity map,
14 plot plan, site plan, property owners or tenants list, abutting
15 property owners list, photographs of property, proof of ownership
16 or copy of lease, or neighbor signatures required to be submitted
17 to an agency.

18 91114. “Agency official” means any elective or appointed
19 agency officer, member, or employee, or a consultant of an agency
20 who is a public official within the meaning of Section 82048, who,
21 as part of his or her official duties, participates in the consideration
22 of any agency legislation other than in a purely clerical,
23 secretarial, or ministerial capacity.

24 91115. “At the behest” means under the control of, at the
25 direction of, in cooperation, consultation, coordination, or concert
26 with, at the request or suggestion of, or with the express prior
27 consent of any elective agency officer or candidate for elective
28 agency office. A donation to a religious, charitable, or other
29 nonprofit organization is not made at the behest of an elective
30 agency officer or candidate if the donation is solicited through a
31 newspaper publication, through radio, television, or other mass
32 media, or through a suggestion made to the entire audience at a
33 public gathering. A donation to a religious, charitable, or other
34 nonprofit organization is not made at the behest of an elective
35 agency officer or candidate solely because the name of the officer
36 or candidate is listed with other names on written materials used
37 to request donations or the officer or candidate makes a speech
38 to the entire audience or is honored and given an award at an
39 event sponsored by the organization.

1 91116. “Attempting to influence” means promoting, supporting,
2 opposing, or seeking to modify or delay any action on agency
3 legislation by any means, including providing or using persuasion,
4 information, statistics, analyses, or studies. A person attempts to
5 influence agency legislation when he or she engages in lobbying
6 activities for the purpose of influencing a decision.

7 91117. “Client” means a person who compensates a lobbyist
8 or lobbying firm for the purpose of attempting to influence agency
9 legislation or a person on whose behalf a lobbyist or lobbying firm
10 attempts to influence agency legislation, even if the lobbyist or
11 lobbying firm is compensated by another person for the
12 representation. If a lobbyist or lobbying firm represents a
13 membership organization and individual members of that
14 organization, an individual member is not a client solely because
15 the member is individually represented by the lobbyist or lobbying
16 firm, unless the member makes a payment for the representation
17 in addition to usual membership fees.

18 91118. “Commission” means the commission established by
19 each local agency pursuant to Section 91180.

20 91119. “Compensated services” means services for which
21 compensation was paid during a reporting period or for which
22 the lobbyist or lobbying firm became entitled to compensation
23 during that period.

24 91120. “Controlled committee” means any committee
25 controlled by an elective agency officer or candidate for any
26 elective agency office, including any campaign, officeholder, legal
27 defense fund, or ballot measure committee.

28 91121. “Direct communication” means appearing as a witness
29 before, speaking with by telephone or in person, corresponding
30 with, or answering questions or inquiries from, any agency official
31 or employee, either personally or through an agent who acts under
32 one’s direct supervision, control, or direction.

33 91122. “Donation” means a payment for which full and
34 adequate consideration is not received.

35 91123. “Fundraiser” means a person who receives
36 compensation to engage in fundraising activity.

37 91124. “Fundraising activity” means soliciting a contribution
38 or hosting or sponsoring a fundraising event or hiring a fundraiser
39 or contractor to conduct any event designed primarily for political
40 fundraising at which contributions for an elective agency officer,

1 candidate for elective agency office, or any of his or her controlled
2 committees are solicited, delivered, or made.

3 91125. “Host or sponsor” means a person who does any of
4 the following:

5 (a) Provides the use of a home or business to hold a political
6 fundraising event without charging market value for the use of
7 that location.

8 (b) Asks more than 25 persons to attend an event described in
9 subdivision (a).

10 (c) Pays for at least a majority of the costs of an event described
11 in subdivision (a).

12 (d) Provides an candidate, campaign, committee, or fundraiser
13 more than 25 names to be used for invitations to an event described
14 in subdivision (a).

15 91126. “Lobbying activity” means any of the following types
16 of conduct when related to a direct communication to influence
17 any agency legislation:

18 (a) Engaging in, either personally or through an agent, a written
19 or oral direct communication with an agency official.

20 (b) Drafting ordinances, resolutions, or regulations.

21 (c) Providing advice or recommending strategy to a client or
22 others.

23 (d) Researching, investigating, or gathering information.

24 (e) Seeking to influence the position of a third party on agency
25 legislation or an issue related to agency legislation by any means,
26 including engaging in community, public, or press relations
27 activities.

28 (f) Attending or monitoring agency meetings, hearings, or other
29 events.

30 91127. “Lobbying entity” means a lobbyist, lobbying firm, or
31 lobbyist employer.

32 91128. “Lobbying firm” means an entity, including an
33 individual lobbyist, that receives or becomes entitled to receive
34 one thousand dollars (\$1,000) or more in monetary or in-kind
35 compensation for engaging in lobbying activities, either personally
36 or through its agents, during any consecutive three-month period,
37 for the purpose of attempting to influence agency legislation on
38 behalf of any other person, and in which any partner, owner,
39 shareholder, officer, or employee qualifies as a lobbyist. For
40 purposes of this section, all of the following apply:

1 (a) Compensation does not include reimbursement of or payment
2 for reasonable travel expenses. An entity receives compensation
3 for purposes of this section whether or not the compensation is
4 received solely for activities regulated by this title or is received
5 for other activities. Only the portion of compensation received for
6 lobbying activities shall count toward the qualification threshold.

7 (b) An entity becomes entitled to receive compensation when
8 the entity agrees to provide services regulated by this title or
9 performs those services, regardless of whether payment is
10 contingent on the accomplishment of the client's purposes.

11 91129. "Lobbyist" means an individual who is compensated
12 to spend 30 or more hours in any consecutive three-month period
13 engaged in lobbying activities that include at least one direct
14 communication with an agency official or employee, conducted
15 either personally or through agents, for the purpose of attempting
16 to influence agency legislation on behalf of any other person. For
17 purposes of this section, all of the following apply:

18 (a) Compensation does not include reimbursement of or payment
19 for reasonable travel expenses. A person receives compensation
20 whether or not the compensation is received solely for activities
21 regulated by this title or is received for other activities. Only the
22 portion of compensation received for lobbying activities shall be
23 calculated to determine whether an individual qualifies as a
24 lobbyist within the meaning of this section.

25 (b) An individual becomes entitled to receive compensation
26 when the individual or the entity that employs the individual as an
27 employee, partner, owner, shareholder, or officer agrees to provide
28 services regulated by this title or performs those services,
29 regardless of whether payment is contingent on the accomplishment
30 of the client's purposes.

31 (c) "Lobbyist" includes an individual who owns an investment
32 in a business entity if that individual attempts to influence agency
33 legislation on behalf of the business entity and if the individual
34 acquires the investment as compensation for his or her lobbying
35 services or in contemplation of performing those services.

36 91130. "Lobbyist employer" means an entity, other than a
37 lobbying firm, that employs a lobbyist in-house to lobby on its
38 behalf.

39 91131. "Major filer" means any person who makes payments
40 or incurs expenditures totaling five thousand dollars (\$5,000) or

1 more during any calendar quarter for public relations, media
2 relations, advertising, public outreach, research, investigation,
3 reports, analyses, studies, or similar activities, for the purpose of
4 attempting to influence action on any proposed or pending matter
5 of agency legislation, if those payments or expenditures are not
6 required to be reported on a lobbyist or lobbying firm quarterly
7 report. For purposes of this section, all of the following apply:

8 (a) “Major filer” does not include a lobbyist, lobbyist employer,
9 or lobbying firm.

10 (b) Expenditures and payments for regularly published
11 newsletters or other routine communications between an
12 organization and its members shall not be counted, towards the
13 total of payments and expenditures.

14 91132. “Person” means an individual, business entity, trust
15 corporation association, committee, or other organization or group
16 of persons acting in concert.

17 91133. “Solicit” means to ask, personally or through an agent,
18 another person to make a contribution to an elective agency officer
19 or candidate for agency office, or to his or her controlled
20 committee, and includes allowing one’s signature to be used on a
21 written request for funds. For purposes of this section, all of the
22 following apply:

23 (a) A lobbying entity solicits a contribution only when the
24 solicitation satisfies either of the following:

25 (1) The solicitation is at the behest of the elective agency officer
26 or candidate for elective agency office, or his or her campaign
27 treasurer, campaign manager, or member of his or her fundraising
28 committee.

29 (2) The lobbying entity has informed the candidate or officer
30 that the person is soliciting the contribution.

31 (b) “Solicit” does not include making a request for funds
32 publicly to at least a majority of persons who attend any public
33 gathering or making a request that is published in a newspaper,
34 on radio, or on television.

35
36 **DIVISION 3. RECORD KEEPING, REGISTRATION, AND**
37 **REPORTING**
38

39 91140. (a) Lobbying entities and major filers shall prepare
40 and retain detailed records, including all books, papers, and other

relevant documents that are needed to comply with this title. Treasurers and fundraisers for elective agency officers and candidates for elective agency offices, or for any elective agency officer's or candidate's controlled committees, shall prepare and retain detailed contribution activity records of any contributions received as a result of fundraising activity engaged in by a lobbying entity. Lobbying entities and major filers shall retain the records described in this subdivision for at least four years.

(b) If a lobbying entity engages in a fundraising activity at the behest of a candidate for elective agency office, the lobbying entity shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activity

(c) If an elective agency officer or a candidate for elective agency office contracts with a lobbying entity to engage in a fundraising activity, the committee treasurer and fundraiser shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activity. The treasurer and fundraiser shall make the records available to the lobbying entity upon the request of the lobbying entity.

(d) If a lobbying entity delivers or sends written communications to an agency in an attempt to influence agency legislation, the lobbying entity shall prepare and maintain detailed records of the communications for at least four years.

91141. (a) A lobbying entity shall verify and submit its registration and all reports and statements pursuant to this title under penalty of perjury using forms provided by the commission.

(b) Any paper report or statement properly addressed and including the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the commission, whichever is earlier.

91142. (a) A lobbying entity that is required by this title to file registration and quarterly report statements with the commission shall file those statements online using the computer program established by the commission pursuant to Section 91181 until the lobbying entity's status as a lobbyist, lobbying firm, or lobbyist employer has officially terminated.

(b) A lobbying entity that is required by subdivision (a) to file statements online shall also file a paper copy, containing the same information, with the commission of each statement required by this title. Each paper copy of a statement shall contain an original

1 signature. Paper copies of statements shall continue to be filed
2 until the entity's status as a lobbyist, lobbying firm or lobbyist
3 employer has officially terminated. Until otherwise permitted under
4 agency law, the signed paper copy shall be the original statement
5 for audit and other legal purposes.

6 91143. (a) Except as provided in subdivision (b) of Section
7 91145, a lobbyist shall register with the commission within 10
8 days after the end of the calendar month in which the person
9 qualifies as a lobbyist.

10 (b) A lobbying firm shall register with the commission within
11 10 days after the end of the calendar month in which a partner;
12 owner, shareholder, officer, or employee of the firm qualifies as
13 a lobbyist.

14 (c) If a person is not registered as a lobbyist or lobbying firm,
15 but is performing acts which would require that person to register,
16 that person may continue to act as a lobbyist or lobbying firm so
17 long as the person registers with the commission within 10 days
18 after the person knows or should know of the obligation to register.
19 A lobbyist or lobbying firm shall register each client on whose
20 behalf the lobbyist or lobbying firm engages in lobbying activities
21 to influence agency legislation or from which the lobbyist or
22 lobbying firm receives or becomes entitled to receive at least two
23 hundred fifty dollars (\$250) in a calendar quarter for engaging
24 in such lobbying activities.

25 (d) A person who registers as a lobbyist or lobbying firm shall
26 retain that status through December 31 of the year in which the
27 registration occurs unless that person terminates the status
28 pursuant to Section 91147.

29 91144. A lobbyist registering pursuant to subdivision (a) of
30 Section 91143 shall file, with the registration, a statement that
31 includes all of the following information:

32 (a) The lobbyist's name, business address, and business
33 telephone number.

34 (b) The lobbying firm, if any, in which the lobbyist is a partner,
35 owner, shareholder, officer, or employee.

36 (c) If the lobbyist is not a partner, owner, shareholder, officer,
37 or employee of a lobbying firm, the name, business address, and
38 business telephone number of the lobbyist's employer, together
39 with a letter from the employer authorizing the lobbyist to lobby
40 on behalf of the employer.

1 (d) Each agency that the lobbyist has the authority to attempt
2 to influence on behalf of a client or employer.

3 (e) A statement that the lobbyist has reviewed and understands
4 the requirements of this title.

5 (f) Any other information required by regulation of the
6 commission, consistent with the purposes and provisions of this
7 title.

8 91145. A lobbying firm registering pursuant to subdivision (b)
9 of Section 91143 shall file, with the registration, a statement that
10 includes all of the following information:

11 (a) The lobbying firm's name, business address, and business
12 telephone number.

13 (b) The name of each lobbyist who is a partner, owner,
14 shareholder, officer, or employee of the lobbying firm. The
15 registration statement of each lobbyist described in this subdivision
16 shall be attached to, and filed with, the lobbying firm's registration
17 statement.

18 (c) For each client on whose behalf the lobbying firm engaged
19 in lobbying activities to influence agency legislation or from which
20 the lobbying firm received or became entitled to receive at least
21 two hundred fifty dollars (\$250) in compensation during the
22 calendar quarter for engaging in such lobbying activities, all of
23 the following:

24 (1) The client's name, business or residence address, and
25 business or residence telephone number.

26 (2) The period during which the representation will occur.

27 (3) The item or items of agency legislation for which the
28 lobbying firm was retained to represent the client, or, if no specific
29 items of agency legislation for which the lobbying firm was retained
30 to represent the client can be identified, a description of the types
31 of agency legislation for which the lobbying firm was retained to
32 represent the client.

33 (4) Each agency that the lobbying firm has the authority to
34 attempt to influence on behalf of the client.

35 (5) A letter from the client authorizing the lobbying firm to
36 represent the client.

37 (6) In the case of a lobbyist who is an individual contract
38 lobbyist, a statement that he or she has reviewed and understands
39 the requirements of this title.

1 (7) *The name of the person or persons responsible for preparing*
2 *the statement.*

3 (8) *Any other information required by regulation of the*
4 *commission, consistent with the purposes and provisions of this*
5 *title.*

6 91146. *A lobbyist or lobbying firm shall file an amendment to*
7 *its registration statement within 10 days of any change in*
8 *information required to be set forth in the registration statement.*

9 91147. *A lobbyist or lobbying firm registered pursuant to this*
10 *division shall file a registration termination form, as prescribed*
11 *by the commission, with the commission within 20 days after*
12 *ceasing all activity regulated by this title.*

13 91148. *Each lobbyist who is required to register pursuant to*
14 *this division shall attend a lobbying information session conducted*
15 *by the commission at least once every two calendar years*
16 *according to the following schedule:*

17 (a) *A person who has not registered as a lobbyist in the*
18 *immediately preceding two calendar years shall attend a lobbying*
19 *information session within six months of his or her registration*
20 *date as a lobbyist.*

21 (b) *A registered lobbyist who did not attend a lobbying*
22 *information session during the previous calendar year shall attend*
23 *a lobbying session by the end of the current calendar year.*

24 (c) *A registered lobbyist who attends a lobbying information*
25 *session during the current calendar year is not required to attend*
26 *a lobbying information session during the following calendar year.*

27 91149. (a) *A lobbyist or lobbying firm shall file a quarterly*
28 *report for every calendar quarter during which it retains that*
29 *status. A person who qualifies both as a lobbyist and lobbying firm*
30 *shall file only a lobbying firm quarterly report. A lobbyist employer*
31 *shall file a quarterly report for every calendar quarter during*
32 *which any individual employed by that employer retains his or her*
33 *status as a lobbyist. Information required to be disclosed*
34 *concerning compensation received or expenditures made for*
35 *lobbying shall be disclosed either by the lobbyist or by his or her*
36 *lobbying firm or employer.*

37 (b) *Major filers shall file quarterly reports for every calendar*
38 *quarter during which they made qualifying payments or incurred*
39 *qualifying expenditures totaling at least five thousand dollars*
40 *(\$5,000).*

1 (c) A lobbying entity or major filer shall disclose all required
2 information in its quarterly reports for the calendar quarter
3 immediately prior to the month in which the report is required to
4 be filed. The reports shall be filed in duplicate, including one
5 original and one copy.

6 (d) A lobbying entity or major filer shall file the quarterly
7 disclosure reports required by this section on or before the last
8 day of the month following each calendar quarter. A report
9 properly addressed and bearing the correct postage shall be
10 considered filed on the date of the postmark or on the date of
11 delivery to the commission, whichever is earlier.

12 91150. A lobbyist shall include all of the following information
13 in each quarterly report filed pursuant to Section 91149:

14 (a) The lobbyist's name, business address, and business
15 telephone number.

16 (b) The lobbying firm, if any, in which the lobbyist is a partner,
17 owner, shareholder, officer, or employee. If the lobbyist is not a
18 partner, owner, shareholder, officer, or employee of a lobbying
19 firm, the name, business address, and business telephone number
20 of the lobbyist's employer.

21 (c) The date, amount, and description of each activity expense
22 of at least twenty-five dollars (\$25) or more made by the lobbyist
23 during the reporting period, the name and title of the agency
24 official benefitting from the expense, the name and business address
25 of the payee, and the client, if any, on whose behalf the expense
26 was made. An activity expense shall be considered to be made on
27 behalf of a client if the client requested or authorized the expense
28 or if the expense was made in connection with an event at which
29 the lobbyist attempted to influence the official on behalf of the
30 client.

31 (d) The total amount of activity expenses made by the lobbyist
32 during the reporting period, whether or not itemized.

33 (e) The name of any elective agency officer, candidate for
34 elective agency office, or any controlled committee of the officer
35 or candidate to which the lobbyist made contributions of one
36 hundred dollars (\$100) or more, or which were delivered by the
37 lobbyist, or in connection with which the lobbyist acted as an
38 intermediary during the reporting period, and the date and amount
39 of the contribution.

1 (f) *The name of any elective agency officer, candidate for*
2 *elective agency office, or any controlled committee of the officer*
3 *or candidate for which the lobbyist engaged in any fundraising*
4 *activity during the reporting period, the date of the activity, and*
5 *the amount of funds the lobbyist knows or has reason to know were*
6 *raised as a result of the activity.*

7 (g) *The date and amount of one or more contributions*
8 *aggregating at least one thousand dollars (\$1,000) made by the*
9 *lobbyist at the behest of an elective agency officer or candidate*
10 *for elective agency office during the reporting period to any*
11 *controlled committee of any other elective agency officer or*
12 *candidate for elective agency office, the name and business address*
13 *of the payee, the name of the elective agency officer or candidate*
14 *for elective agency office who made the behest, and the date of the*
15 *behest.*

16 (h) *The date, amount, and description of one or more donations*
17 *aggregating at least one thousand dollars (\$1,000) or more made*
18 *by the lobbyist at the behest of an elective agency officer or*
19 *candidate for elective agency office during the reporting period*
20 *to a religious, charitable, or other nonprofit organization, the*
21 *name and business address of the payee, the name of the elective*
22 *agency officer or candidate for elective agency office who made*
23 *the behest, and the date of the behest.*

24 (i) *If the lobbyist provided compensated services, including*
25 *consulting services, during the quarterly reporting period to the*
26 *campaign of a candidate for elective agency office, or to a*
27 *campaign for or against an agency ballot measure, the name of*
28 *the candidate, the elective agency office sought by the candidate,*
29 *the ballot number or letter of the ballot measure, the date of the*
30 *election, the amount of compensation earned for the compensated*
31 *services, and a description of the nature of the services provided.*
32 *The information described in this subdivision shall be reported if*
33 *the lobbyist personally provided the services or if the services were*
34 *provided by a business entity in which the lobbyist owns at least*
35 *a 10 percent share, whether the compensation was provided*
36 *directly to the lobbyist or to the business entity.*

37 (j) *If the lobbyist provided compensated services, including*
38 *consulting services, under contract with an agency during the*
39 *quarterly reporting period, the amount of compensation received,*
40 *the agency for which the services were provided, a description or*

1 *other identification of the contract and the nature of the services*
2 *provided. The information described in this subdivision shall be*
3 *reported if the lobbyist personally provided the services or if the*
4 *services were provided by a business entity in which the lobbyist*
5 *owns at least a 10% percent share, whether the compensation was*
6 *provided directly to the lobbyist or to the business entity.*

7 *(k) The date on which a fundraising solicitation described in*
8 *Section 91154 is mailed or distributed and a general description*
9 *of the content of the solicitation, the number of pieces mailed or*
10 *distributed, and the name of the elective agency officer, candidate*
11 *for elective agency office, or agency ballot measure committee for*
12 *which the funds were solicited.*

13 *(l) Each agency that the lobbyist attempted to influence.*

14 *(m) Any other information required by regulation of the*
15 *commission, consistent with the purposes and provisions of this*
16 *title.*

17 *91151. A lobbying firm, including an individual contract*
18 *lobbyist, shall include all of the following information in each*
19 *quarterly report filed pursuant to Section 91149:*

20 *(a) The name, business address, and business telephone number*
21 *of the lobbying firm.*

22 *(b) The name of each lobbyist who is a partner, owner,*
23 *shareholder, officer, or employee of the lobbying firm. A lobbying*
24 *firm shall attach the original quarterly report of each lobbyist*
25 *described in this subdivision as an exhibit to the quarterly report*
26 *of the firm.*

27 *(c) (1) The name, business address, and business telephone*
28 *number of each client that is required to be registered and was*
29 *represented by the lobbying firm during the reporting period.*

30 *(2) A description of each item of agency legislation for which*
31 *the lobbying firm or its lobbyists represented the client during the*
32 *reporting period.*

33 *(3) The total amount of payments received by the lobbying firm*
34 *from each client, including all fees, reimbursements for expenses,*
35 *and other payments, during the reporting period for the*
36 *representation.*

37 *(d) The total payments received from clients required to be*
38 *registered by the lobbying firm during the reporting period in*
39 *connection with the firm's representation of clients on agency*
40 *legislation.*

1 (e) *The date, amount, and description of each activity expense*
2 *of twenty-five dollars (\$25) or more made by the lobbying firm*
3 *during the reporting period, the name and title of the agency*
4 *official benefitting from the expense, the name and address of the*
5 *payee, and the client, if any, on whose behalf the expense was*
6 *made. An activity expense is made on behalf of a client if the client*
7 *requested or authorized the expense or if the expense was made*
8 *in connection with an event at which the lobbying firm attempted*
9 *to influence the official on behalf of the client.*

10 (f) *The total amount of activity expenses made by the lobbying*
11 *firm during the reporting period, whether or not itemized.*

12 (g) *The total amount of expenses incurred in connection with*
13 *attempts by the lobbying firm to influence agency legislation. These*
14 *expenses shall include all of the following:*

15 (1) *Total payments to lobbyists employed by the lobbying firm.*

16 (2) *Total payments to employees of the lobbying firm, other than*
17 *lobbyists, who engaged in attempts to influence agency legislation*
18 *during the reporting period.*

19 (3) *All expenses attributable to attempts to influence agency*
20 *legislation, other than overhead, and other expenses that would*
21 *not have been incurred but for the attempts to influence. Each*
22 *expense described in this paragraph of at least five thousand*
23 *dollars (\$5,000) shall be itemized and described.*

24 (h) *The name of any elective agency officer, candidate for*
25 *elective agency office, or any controlled committee of the officer*
26 *or candidate to which the lobbying firm made contributions of one*
27 *hundred (\$100) or more, or which were delivered by the lobbying*
28 *firm, or in connection with which the lobbying firm acted as an*
29 *intermediary during the reporting period, and the date and amount*
30 *of the contribution.*

31 (i) *The name of any elective agency officer, candidate for*
32 *elective agency office, or any agency controlled committee of the*
33 *officer or candidate for which the lobbying firm engaged in any*
34 *fundraising activity during the reporting period, and the date of*
35 *the activity and the amount of funds the lobbying firm knows or*
36 *has reason to know were raised as a result of the activity.*

37 (j) *The date and amount of one or more contributions*
38 *aggregating at least one thousand dollars (\$1,000) made by the*
39 *lobbying firm at the behest of an elective agency officer or*
40 *candidate for elective agency office during the reporting period*

1 to any controlled committees of any other elective agency officer
2 or candidate for elective agency office, the name and address of
3 the payee, the name of the elective agency officer or candidate for
4 elective agency office who made the behest, and the date of the
5 behest.

6 (k) The date, amount, and description of one or more donations
7 aggregating at least one thousand dollars (\$1,000) made by the
8 lobbying firm at the behest of an elective agency officer or
9 candidate for elective agency office during the reporting period
10 to any religious, charitable, or other nonprofit organization, the
11 name and address of the payee, the name of the elective agency
12 officer or candidate for elective agency office who made the behest,
13 and the date of the behest.

14 (l) If the lobbying firm provided compensated services, including
15 consulting services, during the quarterly reporting period, to the
16 campaign of a candidate for elective agency office, or to a
17 campaign for or against an agency ballot measure, the name of
18 the candidate, the elective agency office sought by the candidate,
19 the ballot number or letter of the ballot measure, the date of the
20 election, the amount of compensation earned for the compensated
21 services, and a description of the services provided.

22 (m) If the lobbying firm provided compensated services,
23 including consulting services, under contract with an agency
24 during the quarterly reporting period, the amount of compensation
25 received, the agency for which the services were provided, and a
26 description or other identification of the contract and the nature
27 of the services provided. For an individual contract lobbyist who
28 qualifies as a lobbying firm, the information described in this
29 subdivision shall be reported if the lobbyist personally provided
30 the services or if the services were provided by a business entity
31 in which the lobbyist owns at least a 10 percent share, regardless
32 of whether the compensation was provided directly to the lobbyist
33 or to the business entity.

34 (n) The date on which a fundraising solicitation described in
35 Section 91154 is mailed or distributed and a general description
36 of the content of the solicitation, the number of pieces mailed or
37 distributed, and the name of the elective agency officer, candidate
38 for elective agency office, or agency ballot measure committee for
39 which the funds were solicited.

1 (o) For an individual contract lobbyist who qualifies as a
2 lobbying firm, each agency that the lobbyist attempted to influence.

3 (p) The name, business address, and business telephone number
4 of the person responsible for preparing the report.

5 (q) Any other information required by regulation of the
6 commission, consistent with the purposes and provisions of this
7 title.

8 91152. A lobbyist employer shall include all of the following
9 information in each quarterly report filed pursuant to Section
10 91149:

11 (a) The name, business address, and business telephone number
12 of the lobbyist employer.

13 (b) The name of each lobbyist who is employed by the lobbyist
14 employer. The lobbyist employer shall attach the original quarterly
15 report of each lobbyist described in this subdivision as an exhibit
16 to the quarterly report of the lobbyist employer.

17 (c) The total payments made during the reporting period to
18 lobbyists employed by the lobbyist employer. The total shall include
19 only payments for compensation and reimbursement of expenses
20 relating to the lobbyists' attempts to influence agency legislation.

21 (d) The total payments to employees of the lobbyist employer,
22 other than lobbyists, who engaged in attempts to influence agency
23 legislation during the reporting period. The total shall include
24 payments for compensation and reimbursement of expenses relating
25 to the attempts of the employees to influence agency legislation.

26 (e) Total payments for expenses incurred in connection with
27 attempts by the lobbyist employer to influence agency legislation
28 during the reporting period. The total expenses shall include all
29 expenses attributable to attempts to influence agency legislation,
30 other than overhead, and other expenses that would not have been
31 incurred but for the attempts to influence. The lobbyist employer
32 shall itemize and described each expense described in this
33 subdivision of at least five thousand dollars (\$5,000).

34 (f) A description of each item of agency legislation that the
35 lobbyist employer attempted to influence during the reporting
36 period.

37 (g) A description of each item of agency legislation which the
38 lobbyist employer attempted to influence during the reporting
39 period.

1 (h) *The date, amount, and description of each activity expense*
2 *of at least twenty-five dollars (\$25) made by the lobbyist employer*
3 *during the reporting period, the name and title of the agency*
4 *official benefitting from the expense, and the name and business*
5 *address of the payee.*

6 (i) *The total amount of activity expenses made by the lobbyist*
7 *employer during the reporting period, whether or not itemized.*

8 (j) *The name of any elective agency officer, candidate for*
9 *elective agency office, or any controlled committee of the officer*
10 *or candidate to which the lobbyist employer made contributions*
11 *of at least one hundred (\$100), or which were delivered by the*
12 *lobbyist employer, or in connection with which the lobbyist*
13 *employer acted as an intermediary during the reporting period,*
14 *and the date and amount of the contribution.*

15 (k) *The name of any elective agency officer, candidate for*
16 *elective agency office, or any agency controlled committee of the*
17 *officer or candidate for which the lobbyist employer engaged in*
18 *any fundraising activity during the reporting period, the date of*
19 *the activity, and the amount of funds the lobbyist employer knows*
20 *or has reason to know were raised as a result of the activity.*

21 (l) *The date and amount of one or more contributions*
22 *aggregating more than one thousand dollars (\$1,000) made by*
23 *the lobbyist employer at the behest of an elective agency officer*
24 *or candidate for elective agency office during the reporting period*
25 *to any and all controlled committees of any other elective agency*
26 *officer or candidate for elective agency office, the name and*
27 *business address of the payee, the name of the elective agency*
28 *officer or candidate for elective agency office who made the behest,*
29 *and the date of the behest.*

30 (m) *The date, amount, and description of one or more donations*
31 *aggregating at least one thousand dollars (\$1,000) made by the*
32 *lobbyist employer at the behest of an elective agency officer or*
33 *candidate for elective agency office during the reporting period*
34 *to any religious, charitable, or other nonprofit organization, the*
35 *name and business address of the payee, the name of the elective*
36 *agency officer or candidate for elective agency office who made*
37 *the behest, and the date of the behest.*

38 (n) *The date on which a fundraising solicitation described in*
39 *Section 91154 is mailed or distributed and a general description*
40 *of the content of the solicitation, the number of pieces mailed or*

1 *distributed, and the name of the elective agency officer, candidate*
2 *for elective agency office, or agency ballot measure committee for*
3 *which the funds were solicited.*

4 *(o) The name, business address, and business telephone number*
5 *of the person responsible for preparing the report.*

6 *(p) Any other information required by regulation of the*
7 *commission, consistent with the purposes and provisions of this*
8 *title.*

9 *91153. A major filer shall include all of the following*
10 *information in each quarterly report filed pursuant to Section*
11 *91149:*

12 *(a) The name, business address, and business telephone number*
13 *of the major filer.*

14 *(b) A description of each item of agency legislation that the*
15 *major filer attempted to influence during the reporting period.*

16 *(c) The total payments made during the reporting period for*
17 *the purpose of attempting to influence action on each proposed or*
18 *pending matter of agency legislation.*

19 *(d) The date on which a fundraising solicitation described in*
20 *Section 91154 is mailed or distributed and a general description*
21 *of the content of the solicitation, the number of pieces mailed or*
22 *distributed, and the name of the elective agency officer, candidate*
23 *for elective agency office, or agency ballot measure committee for*
24 *which the funds were solicited.*

25 *(e) The name, business address, and business telephone number*
26 *of the person responsible for preparing the report.*

27 *(f) Any other information required by regulation of the*
28 *commission, consistent with the purposes and provisions of this*
29 *title.*

30 *91154. A lobbying entity that produces, pays for, mails, or*
31 *distributes more than 50 substantially similar copies of a written*
32 *political fundraising solicitation for any controlled committee of*
33 *an elective agency officer or candidate for elective agency office*
34 *related to seeking or holding agency elective office or supporting*
35 *or opposing an agency ballot measure, shall, at the time the*
36 *solicitation is sent or otherwise distributed, send a copy of the*
37 *solicitation to the commission to be made available for public*
38 *inspection.*

39 *91155. A lobbying entity that makes one or more contributions*
40 *to an elective agency officer or to any or all of his or her controlled*

1 committees shall file a notice with the commission each time the
2 making of a contribution results in the lobbying entity having made
3 contributions aggregating more than seven thousand (\$7,000) to
4 the officer and his or her controlled committees within the prior
5 12 months. The notice shall be filed on a form prescribed by the
6 commission within one business day after the lobbying entity makes
7 the contribution and shall contain all of the following information:

8 (a) The name, business address, and business telephone number
9 of the filer, the name of the elective agency officer, and any or all
10 of his or her controlled committees, to which the lobbying entity
11 made contributions aggregating more than seven thousand dollars
12 (\$7,000) during the past 12 months, and the date and amount of
13 each contribution.

14 (b) For purposes of this section, “controlled committee” does
15 not include any committee controlled by an elective agency officer
16 that is formed to support or oppose a ballot measure or formed to
17 support the election of that officer to other than elective agency
18 office. The original notice shall be filed with the commission and
19 copies shall be filed with the appropriate clerk of the agency and
20 the elective agency officer involved. Each notice may only include
21 information relative to one elective officer.

22 (c) The form shall be considered filed on the date of the
23 postmark or on the date of delivery to the commission, whichever
24 is earlier.

25 (d) The form shall be verified under penalty of perjury by the
26 person filing it or by an officer of the entity authorized to file it.

27 (e) The commission shall post the information in the notice on
28 its Internet Web site within one business day of its receipt of the
29 notice. The appropriate clerk of the agency shall make the notice
30 available for public inspection within one business day of its
31 receipt.

32 91156. (a) A lobbying entity that, within any 12 month period,
33 has engaged in fundraising activities on behalf of an elective
34 agency officer or any of his or her controlled committees and
35 knows or has reason to know that the fundraising activities resulted
36 in contributions, or has delivered or acted as an intermediary for
37 one or more contributions to the elective agency officer or any of
38 his or her controlled committees, shall file a notice with the
39 commission any time those contributions aggregate more than
40 fifteen thousand dollars (\$15,000) in the case of a member of the

1 governing body of the agency, or more than thirty-five thousand
2 dollars (\$35,000) in the case of an elective agency officer. The
3 lobbying entity shall file the notice within one business day after
4 either of those monetary thresholds is exceeded on a form
5 prescribed by the commission and shall include all of the following
6 information:

7 (1) The name, business address, and business telephone number
8 of the filer.

9 (2) The name of the elective agency officer, and his or her
10 controlled committees, as applicable, on whose behalf the lobbying
11 entity engaged in fundraising activities or delivered or acted as
12 intermediary for one or more contributions to the elective agency
13 officer or any of his or her controlled committees.

14 (3) The date of the fundraising activity, and the amount of
15 contributions raised, delivered, or in connection with which the
16 lobbying entity acted as an intermediary.

17 (b) For purposes of this section, “controlled committee” does
18 not include any committee controlled by an elective agency officer
19 that is formed to support or oppose a ballot measure or formed to
20 support the election of that officer to other than elective agency
21 office.

22 (c) If a fundraising event is sponsored or hosted by more than
23 one person, the amount of contributions received at or as a result
24 of the event shall be attributed to each lobbying entity who hosted
25 or sponsored the event according to the amount of the contributions
26 that resulted from the fundraising activities of the lobbying entity.
27 If a contribution results from the fundraising of more than one
28 person or lobbying entity, that contribution shall be apportioned
29 equally to each of the persons or lobbying entity that engaged in
30 the fundraising activity.

31 (d) The original notice shall be filed with the commission, and
32 copies shall be filed with the appropriate clerk of the agency and
33 the elective agency officer involved. Each notice may include only
34 information relative to one elective agency officer.

35 (e) The filing date of the form is the date of the postmark or the
36 date of delivery to the commission, whichever is earlier.

37 (f) The form shall be verified under penalty of perjury by the
38 person filing it or by an officer of the entity authorized to file it.

39 (g) The commission shall post the information in the notice on
40 its Internet Web site within one business day of its receipt of the

1 notice. The appropriate clerk of the agency shall make the notice
2 available for public inspection within one business day of its
3 receipt.

4
5 *DIVISION 4. PROHIBITIONS*
6

7 91160. A lobbyist or lobbying firm shall not do any of the
8 following:

9 (a) Act with the purpose and intent of placing an agency official
10 under personal obligation to the lobbyist, the lobbying firm, the
11 employer of the lobbyist or firm, or a client of the lobbyist or firm.

12 (b) Fraudulently deceive or attempt to deceive an agency official
13 with regard to any material fact pertinent to pending or proposed
14 agency legislation.

15 (c) Cause or influence the introduction of agency legislation
16 for the purpose of thereafter being employed or retained to secure
17 its passage or defeat.

18 (d) Cause any communication to be sent to any agency official
19 in the name of any nonexistent person or in the name of any
20 existing person without the consent of that person.

21 (e) Make or arrange for a payment to an agency official or act
22 as an agent or intermediary in making a payment to any other
23 person if the arrangement or the payment would violate an
24 ordinance adopted by the agency relating to governmental ethics.

25
26 *DIVISION 5. EXEMPTIONS*
27

28 91170. The provisions of this title do not apply to any of the
29 following:

30 (a) An agency that has adopted an ordinance that mandates
31 lobbyist registration.

32 (b) An agency official acting in his or her official capacity.

33 (c) An agency employee acting within the scope of his or her
34 employment.

35 (d) A newspaper or other regularly published periodical or a
36 radio or television station or network, including any person who
37 owns, publishes, or is employed by a newspaper, periodical,
38 station, or network, if, in the ordinary course of its business, it
39 publishes or broadcasts news, editorials and other comments, or
40 paid advertising, that directly or indirectly attempts to influence

1 *action on agency legislation. This exemption does not apply to any*
2 *other action by a newspaper, periodical, station, or network, or*
3 *by any person who owns, publishes, or is employed by a newspaper,*
4 *periodical, station, or network, to attempt to influence agency*
5 *legislation, if the action is otherwise regulated by this title.*

6 *(e) A person acting without compensation or consideration*
7 *other than reimbursement or payment of reasonable travel*
8 *expenses.*

9 *(f) A person whose only activity is submitting a bid on a*
10 *competitively bid contract, submitting a written response to or*
11 *participating in an oral interview for a request for proposals or*
12 *qualifications, or negotiating the terms of a written agreement*
13 *with any agency if selected pursuant to that bid or request for*
14 *proposals or qualifications. Except with regard to persons*
15 *described in subdivision (g), this exemption does not apply to any*
16 *person who attempts to influence the action of an agency officer*
17 *or employee with regard to any contract described in this*
18 *subdivision.*

19 *(g) An organization that is exempt from federal taxation*
20 *pursuant to Section 501(c)(3) of the Internal Revenue Code and*
21 *receives funding from any federal, state, or local government*
22 *agency for the purpose of representing the interests of indigent*
23 *persons for the primary purpose of providing direct services to*
24 *those persons, including an employee of the organization acting*
25 *within the scope of his or her employment, if the individual or*
26 *individuals represented by the organization before an agency*
27 *provide no payment to the organization for that representation.*
28 *Direct contacts between an organization and an agency official*
29 *in a setting other than a publicly noticed meeting for the purpose*
30 *of attempting to influence an agency decision with regard to agency*
31 *funding which the organization is seeking are not exempt pursuant*
32 *to this subdivision.*

33 34 *DIVISION 6. ENFORCEMENT* 35

36 *91180. An agency shall establish a commission to implement*
37 *and enforce the provisions of this title.*

38 *91181. The commission shall establish an Internet-based,*
39 *interactive computer program that is available on its Internet Web*
40 *site and allows persons to file reports and statements with the*

1 commission, and view and search for those reports and statements,
2 online.

3 91182. The commission shall establish a schedule of fees for
4 purposes of its administrative costs in administering and enforcing
5 this title.

6 91183. The commission may conduct audits of reports and
7 statements filed pursuant to this title. The commission may conduct
8 audits on a random basis or when the commission staff has reason
9 to believe that a report or statement may be inaccurate or has not
10 been filed.

11 91184. (a) A person who knowingly or willfully violates any
12 provision of this title is guilty of a misdemeanor. A person who
13 knowingly or willfully causes another person to violate any
14 provision of this title, or who knowingly or willfully aides and
15 abets another person in violating any provision of this title, is
16 guilty of a misdemeanor.

17 (b) Prosecution for violation of any provision of this title shall
18 be commenced within one year after the date on which the violation
19 occurred.

20 (c) A person convicted of a violation of this title shall not act
21 as a lobbyist or otherwise attempt to influence agency legislation
22 for compensation for one year after the date of entry of a final
23 judgment of conviction pursuant to this section.

24 91185. (a) A person who knowingly or willfully violates any
25 provision of Section 91160 is liable in a civil action brought by
26 the prosecuting attorney of the agency. A person who intentionally
27 or negligently violates any other provisions of this title shall be
28 liable in a civil action brought by the prosecuting attorney of the
29 agency. Failure to properly report any receipt or expenditure as
30 required by this title may result in civil penalties not to exceed the
31 amount not properly reported, or two thousand dollars (\$2,000),
32 whichever is greater. Any additional violation may result in civil
33 penalties no greater than two thousand dollars (\$2,000). If a court
34 determines that a violation was intentional, the court may order
35 that the defendant be prohibited from acting as a lobbyist or
36 otherwise attempting to influence agency legislation for a period
37 of one year.

38 (b) In determining the amount of liability pursuant to this
39 section, a court shall take into account the seriousness of the
40 violation and the degree of culpability of the defendant.

1 (c) If two or more persons are responsible for a violation
2 described in subdivision (a), they shall be jointly and severally
3 liable.

4 (d) A civil action alleging a violation of this title shall not be
5 filed more than four years after the date the violation occurred.

6 91186. The prosecuting attorney of the agency, on behalf of
7 the people within the jurisdiction of the agency, may seek injunctive
8 relief to enjoin violations of or to compel compliance with the
9 provisions of this title.

10 91187. As soon as practicable after the close of each quarterly
11 reporting period, the commission shall prepare a report to the
12 chief elective agency officer and the governing body of the agency
13 regarding lobbying activity that occurred during the reporting
14 period. The report shall be in a form that, in the opinion of the
15 commission, best describes the activities, receipts, and expenditures
16 of persons subject to the requirements of this title.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution for certain
19 costs that may be incurred by a local agency or school district
20 because, in that regard, this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty for a crime
22 or infraction, within the meaning of Section 17556 of the
23 Government Code, or changes the definition of a crime within the
24 meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 However, if the Commission on State Mandates determines that
27 this act contains other costs mandated by the state, reimbursement
28 to local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

31 ~~SECTION 1. It is the intent of the Legislature to enact~~
32 ~~legislation that will require each local government to create a~~
33 ~~lobbyist registration program as a condition of the local government~~
34 ~~being eligible to apply for any discretionary grant from any state~~
35 ~~agency or department.~~